

MEETING MINUTES
New England Clean Energy Connect - Federal Agencies Update and Working Session

Contact: Mark Goodwin
Title: Environmental Manager – Burns & McDonnell
Date: October 29, 2019
Time: 1:00 pm -4:00 pm
Location: Burns & McDonnell Office, 27 Pearl Street, Portland

Attendees:

Thorn Dickinson – Avangrid/Central Maine Power (CMP)
Gerry Mirabile - Central Maine Power (CMP)
Mark Goodwin - Burns & McDonnell (BMCD)
Lauren Johnston - Burns & McDonnell (BMCD)
Jay Clement - United States Army Corps of Engineers (USACE)
Julie Smith - United States Department of Energy (DOE)
Melissa Pauley - United States Department of Energy (DOE)
Beth Alafat - United States Environmental Protection Agency (EPA)
Tim Timmermann - United States Environmental Protection Agency (EPA)
Jackie LeClair - United States Environmental Protection Agency (EPA)
Mike Marsh - United States Environmental Protection Agency (EPA)

Purpose:

The purpose of the meeting was to provide updates on CMP's New England Clean Energy Connect (NECEC) Project and offer an opportunity for the federal agencies to ask questions or request clarifications on CMP's Section 404 Clean Water Act (CWA) application, updated on July 1, 2019.

General Discussion:

The meeting began with a safety moment (pedestrian safety) and introductions. The meeting was framed as a working session and an opportunity to discuss concerns or questions.

Jay Clement began by stating that the USACE and EPA had a pre-meeting discussion and that EPA has a number of questions. Jay stated that the USACE wants to understand and address EPA's concerns to the best of their ability.

Jay noted that the USACE also had a conversation with Jim Beyer, Maine Department of Environmental Protection (MDEP), prior to this meeting and Jim would like CMP to provide updated impact tables to account for the Merrill Strip alternative proposal. BMCD and CMP responded that the MDEP received the updated impact tables in CMP's response to MDEP's October 3, 2019 Additional Information

Request (AIR), submitted to the MDEP, USACE, Land Use Planning Commission (LUPC), and MDEP/LUPC service lists on October 10, 2019. Gerry Mirabile stated that he would follow-up with Jim Beyer to confirm he has the impact tables he is looking for.

Beth Alafat began by asking questions related to alternatives. Gerry Mirabile asked Beth to confirm the data EPA was relying on. Beth responded that she had primarily reviewed the CWA application and some of the MDEP's public hearing testimony.

Beth noted that she was very impressed by the July 2019 CWA 404 updated application, and that it made her review much easier.

Beth asked if CMP had considered placing the transmission line adjacent to roadways and what the issues or constraints were. Beth cited a transmission line proposal in Vermont where the applicant proposed an underground installation and Beth recollected that the costs were not that much different. Beth indicated that it wasn't clear from CMP's application whether the issue was fully addressed.

Gerry stated that co-location within or adjacent to existing roadways was considered during the route selection. The border crossing location selected by Hydro-Quebec (HQ) was not located near the existing roadways.

Mike Marsh asked how HQ's location was selected. The meeting attendees reviewed the area between Thetford Mines, QC and the proposed border crossing and Thorn noted that the proposed route represented a shorter length to the border from CMP's existing potential interconnection points, and considerations had been made to avoid conservation lands and visual constraints to the extent practicable. Thorn explained that there are primarily two large landowners that manage the land for logging and that moving the project north of its existing location presented challenges. Thorn also noted that in his experience placing transmission lines underground was far more costly than overhead lines.

Mike Marsh asked what the issues or considerations were for co-locating with Route 27.

Mark Goodwin explained that the Maine Department of Transportation (MDOT) requires utilities, both underground and overhead, to be placed in the road shoulder. MDOT will not allow direct burial but may not rule out duct bank, though the duct bank would still have to be in the road shoulder.

Mike noted that the transmission line associated with the Kibby Wind project is underground as it crosses Route 27. Mark mentioned that the Kibby Wind crossing is underground at Route 27 primarily because of the presence of the Appalachian Trail and he explained that a state route crossing is different than proposing to co-locate with the roadway for longer distances.

Gerry stated that he thought MDOT's utility accommodation policy doesn't make a distinction between trenching, direct burial, and horizontal directional drill (HDD) and that none of these is allowed in the roadway. Gerry mentioned the need for splice boxes, and that in many locations along Route 27 there is

not enough room to site a transmission line within the road ROW, so additional title, right, or interest would be needed from abutting private landowners.

Thorn stated that during the planning stages CMP routed the Project, in part, to avoid the need to use eminent domain.

Someone asked how much of HQ's transmission line is in an existing corridor. Thorn responded about two-thirds.

Julie Smith asked what season construction would take place. Gerry explained that the construction schedule was driven in part by when the project receives regulatory approvals.

Someone inquired as to whether temporary access would be matted or on ice roads. Mark said that the contractors would prefer ice roads when possible because it is less expensive and creates less impact. There was a general discussion about matting practices.

Mike commented that the timing of project construction is driven by schedule as well. Gerry responded that the schedule also considers various time of year restrictions for wildlife and, while it is preferential to construct in the winter, it may not be possible in all areas.

Jay stated that there is no expectation that the Project will cease construction in certain times of the year. There will be restrictions in certain areas due to wildlife concerns.

Beth asked if there was consideration of using existing logging roads to minimize impact. Gerry explained that CMP has proposed to use existing logging roads for off-corridor to on-corridor access, as well as within the transmission line corridor.

Beth also mentioned moving structures to the other side of the corridor to avoid certain resources. Gerry stated that the Project is designed to have macro-level zig zags that avoid natural resources and high elevation (i.e., more visible) areas (the meeting attendees reviewed a few examples on Google Earth). However, the NECEC was generally sited on the south side of the corridor because CMP's impacts analysis demonstrated that overall impacts to sensitive and protected natural resources are minimized by utilizing the south side of the corridor. Gerry further stated that zig-zagging within the 300-foot corridor (i.e., locating the line in an alternating fashion from one side of the corridor to the other) to avoid resources would not be practicable because it would result in additional impacts due to the addition of costly angle structures, potentially requiring reinforced concrete foundations, thereby increasing the "footprint" of the Project and increasing the risk of erosion and sedimentation. Zigzagging within the 300-foot corridor to shift the line for the avoidance of one resource may negatively impact other resources up and down the line (i.e., shifting impacts from one resource to another) that would otherwise be avoided.

The group discussed the potential future use of the corridor for the transmission of renewable energy generation from western Maine. In this discussion, Thorn acknowledged that it may be possible that the corridor could be used for renewable energy transmission in the future but CMP has no plans to develop the remaining corridor in Segment 1 (CMP also does not have a 300-foot wide corridor for the entire length of Segment 1).

EPA COMMENT 1: EPA's recollection is that this discussion was more extensive than described in the draft minutes. It is not our recollection that Mr. Dickinson indicated that CMP had no plans for future development of the remaining corridor in Segment 1. Rather Mr Dickinson discussed the potential future development of the northern portion of the corridor (transmission lines for wind-based renewable energy were specifically mentioned) in the context of the availability of the northern portion of the Segment 1 corridor for minor relocations of proposed NECEC transmission lines to avoid impacts to aquatic resources. EPA responded that if areas proximal to the proposed NECEC alignment were being held in reserve for potential future development, and thus considered unavailable for use as locations for minor realignments or relocations of the proposed NECEC transmission lines or other facilities to minimize NECEC impacts, then that potential future development should be taken into consideration in the cumulative impacts analysis for the NECEC project. On the other hand, if these areas are not being reserved for potential future development, then they should be considered available for potential use in minor, localized realignments of the proposed NECEC transmission lines or relocations of other project facilities to avoid or minimize impacts to aquatic resources.

As a related note, we note that the assessment of impacts associated with reasonably foreseeable future development proximal to the proposed NECEC project is not limited to Segment 1. Any reasonably foreseeable future development along Segment 1 and/or within the rest of the NECEC project area should be considered in the cumulative impacts analysis.

Again, as a related note, regarding the statement that CMP has no plans to develop the remaining corridor in Segment 1, please clarify whether it is reasonably foreseeable for CMP to sell or otherwise transfer development rights within Segment 1 or elsewhere in the project area to an entity other than CMP for development.

EPA does not recall a statement at the meeting to the effect that CMP does not have a 300-foot wide corridor for the entire length of Segment 1, and requests that this statement in the minutes be clarified. We presume that this statement describes the proposed corridor for the NECEC project after CMP obtained the Merrill Strip section, which is less than 300 feet wide. However, it is our understanding that CMP still owns the 300-foot wide corridor partially located in Lowelltown Township that was originally proposed for the NECEC project. It appears possible that a portion of this remaining corridor could potentially be developed in future. EPA recognizes that such a development would require review and approval by the Maine Land Use Planning Commission, which has expressed concern over development of the corridor within the Beattie Pond Recreation Protection Subdistrict. However, this corridor segment was the original route that CMP had proceeded with in its original application, prior

to the acquisition of the Merrill Strip parcel, and so CMP appears to have believed it was in fact capable of being developed.

As a related note, while a 300-foot wide corridor or its equivalent may or may not be available for future development, it is also possible that future development might require less than the full 150-foot remaining width. Therefore, it may not be necessary for a full 300-foot wide corridor to be available for future development to potentially occur.

Mike suggested that potential use of the other side of the corridor is a reasonably anticipated future development that should be evaluated as a cumulative impact. Jay agreed, but posed a follow-up question: If you had the luxury of shifting the line within the 300-foot width, would it result in a reduction of impacts and what would be the cost implications? CMP agreed to further address Jay's question and the cumulative impacts discussion as a follow-up to this meeting.

EPA COMMENT 2: EPA concurs that the potential reduction of impacts and the costs with respect to overall project costs should be considered when analyzing alternatives, such as minor shifts of the NECEC alignment, to avoid or minimize impacts to aquatic resources, as required under the CWA Section 404(b)(1) Guidelines. However, this is a separate issue from the consideration of cumulative impacts that would occur were there to be future development adjacent to the proposed project.

Beth asked about staging areas. Gerry said that there are currently two identified staging areas and Jay noted that there are no staging areas proposed in wetlands.

Beth asked if CMP would consider enhancement of vernal pool buffers. The meeting attendees looked at a few examples on Google Earth. It was explained that CMP would allow the vegetation in the buffers to revert back to scrub-shrub habitat.

Mike discussed the Merrill Road converter station alternatives. Mike asked whether different driveway access points were considered. Mark explained that the original access had come down the right of way off of Merrill Road and that the redesigned current access reduces impacts. Mike wanted to understand the real estate constraints in the area of the converter station and requested that CMP look at locating the permanent access road somewhere else (e.g., north of its current location) to further reduce wetland impacts.

EPA COMMENT 3: While Mr. Marsh did discuss the potential for impact avoidance and minimization specifically at the Merrill Road converter station, he also pointed out that the Merrill Road station is one example of the sorts of project facilities that should be more closely reviewed to determine if they present opportunities for impact avoidance or minimization. EPA suggested that other facilities throughout the project should also be evaluated, especially where there are relatively large impacts associated with new construction of a facility that might be relocated, reoriented or otherwise altered to minimize impacts.

Jackie LeClair asked how long “temporary” was in relation to temporary access roads. Mark and Gerry responded that it was 18 months or less and typically less than a year.

Mike asked how much of the temporary access will be matted. Mark said wetlands will be matted, unless there is frozen ground. Stream crossings will be matted and upland areas that are prone to rutting and erosion and sedimentation will be matted or stabilized using other BMPs. There is also a requirement for matting the approach to wetlands.

Mike asked if there were layouts or drawings for the substations. Mark and Gerry stated that the layout for the converter station and substations are in the stormwater packages. Stormwater management is not a criterion in the CWA application so they were not included in that document, but are part of the USACE’s record. CMP will compile the applicable drawings for EPA.

Jay asked that CMP provide additional information on co-locating with Route 27 and/or 201 and MDOT’s response to that idea. Beth asked if a variance would be granted by the MDOT for putting the transmission line under the roadway. Beth requested MDOT’s response on co-locating the NECEC, different construction techniques that are or are not available for such co-location, and how such colocation would impact project cost.

Beth asked if CMP had used logging roads as temporary access to minimize impacts. Jay said that was part of the minimization measures. The meeting attendees looked at a few examples on Google Earth.

Mike asked if there is a reason why an underground line needs 75 feet of cleared width. He asked if the 75 feet included a work zone for the entire length. He noted that the response in the record was that the thermal capacity of the line required that width to avoid tree roots. CMP will provide a follow-up to this discussion.

Mike discussed how CMP’s alternatives and cost analysis looked at undergrounding for the entirety of Segment 1. He asked if there were additional specific locations where limited undergrounding might make sense. Thorn stated that during the hearing it was evident that undergrounding, either trenching or HDD, involved much more impact than overhead lines, as well as significant additional cost.

Jay explained that some of this discussion took place during the MDEP’s public hearing, that the MDEP looked at five locations that were of interest to the MDEP, and that CMP had evaluated whether taller structures and allowing full height vegetation in these areas was feasible. As a follow-up to this discussion, CMP will provide its response to the MDEP’s May 9, 2019 Additional Information Request.

Beth stated that there were a lot of vernal pools and wanted to understand the USACE’s jurisdictional pools vs. significant vernal pool (SVP) compensation. The meeting attendees discussed the number of pools surveyed, the subset of pools that are jurisdictional under the Natural Resources Protection Act

(NRPA), and CMP's work with USACE in assigning value to these resources and determining the appropriate compensation level.

Mike wanted more explanation for the Spencer Road alternative. Jay explained that CMP had approached the previous landowner during the development stage of the project but the present owner had not been specifically approached. Jay stated that, right now, Spencer Road is not available for colocation, but CMP needs to close the loop on that. CMP will provide additional information on this issue, as well as on the co-location constraints related to Capital Road.

Beth asked if CMP can move the centerline to avoid a specific vernal pool. The meeting attendees viewed the Project kmz file on Google Earth to look at some examples. Mark explained that if CMP moves one structure to avoid one feature then it may cause additional impacts farther down the line or to resources such as vernal pools that are off-corridor.

Beth asked how the level of threat was assessed on the lands offered for preservation. Gerry explained that the Musson Group was hired to look at adjacent and regional land uses, and the history of sales and setting, and evaluated the risk. Gerry noted that this report was attached to the Compensation Plan (Exhibit 9-3 of the CWA application). CMP offered to, and will, provide this to Beth.

Mike stated that he was confused by CMP's position that there was no functional loss from conversion of forested wetlands to scrub-shrub. Jay stated that the mitigation plan does take conversion into consideration.

Mike asked how other types of secondary impacts were assessed in the mitigation plan, such as edge effect and fragmentation. Jay explained that CMP's compensation plan addresses and takes secondary impacts into consideration.

Mike asked how CMP arrived at the 5% discount on vernal pools when secondary impacts typically require 15%. Mike stated that he was aware that CMP had provided justification. Jay stated that there was some coordination with USACE's Ruth Ladd. Mike and Jay will follow-up directly on this issue. (CMP's rationale for this adjustment is provided in Section 9.2.1.8 of the Compensation Plan, as part of the CWA application.)

Jay also stated that additional mitigation for habitat fragmentation was considered through the implementation of wildlife corridors, alternative cutting practices, undergrounding at the Kennebec River, and allowing site-specific full height vegetation.

The prohibition of herbicides on Segment 1 was discussed. CMP wants to use Segment 1 as a test case and study its effectiveness before committing to this practice elsewhere. Thorn stated that CMP's commitment not to use herbicides on Segment 1 was in part a response to public opposition.

Mike asked CMP to look at and evaluate additional minimization opportunities available for the larger wetland impact areas (e.g., converter station, substation). CMP will provide an evaluation of the real estate constraints in the area of the Merrill Road converter station and consider whether again relocating the permanent access road is a practicable way to further reduce wetland impacts.

EPA COMMENT 4: CMP's response to Mr. Marsh's request for additional information on opportunities for impact avoidance and minimization throughout the entire project appears to be limited to only the Merrill Road converter station. EPA was seeking a more comprehensive project-wide assessment of opportunities for impact avoidance and minimization.

Mike returned to the edge effect discussion and asked if it was "settled." He stated that the Corps has guidance that outlines a certain percentage for edge effects. Mike suggested that CMP look at areas where there is contiguous forest and see if mitigation is appropriate. Jay said he would follow-up one on one with Mike related to the details of the Compensation Plan.

Melissa Pauley explained that DOE will release a draft EA which involves a public comment period. She anticipates that some of the public comments will be related to climate change. In order to better respond to the public, Melissa would like CMP's position and documentation on NECEC's greenhouse gas reduction and climate change impacts. She would like to see more detail on how the project quantified greenhouse gas impacts. Gerry stated that climate change is not an approval criterion for the state and federal processes, but CMP nevertheless provided extensive evidence on greenhouse gas impacts. Thorn provided some additional information on the findings of the studies and offered to provide a summary of the evidence provided in the Certificate of Public Convenience and Necessity (CPCN) proceedings. DOE was interested in this summary. CMP will provide a follow-up to this discussion.

Tim Timmerman suggested that CMP should highlight NECEC's contribution to resiliency of the electric grid regarding more severe weather-related events and fuel diversity for the region.

Tim and Julie discussed DOE's EA format and process and how that fits into the USACE's process. Julie and Jay noted that the EA process coordination details will be discussed and are yet to be determined. ***It was not yet determined whether there would be a combined EA or an EA prepared by the USACE and one by the DOE.*** Tim suggested that DOE consider a longer comment period on the draft EA than the required 15 days ***as 15 days would likely be a non-starter for the interested public.*** Julie stated DOE will take this under consideration. Tim and Julie discussed lessons learned from other recent projects and how they see the federal process applying to the NECEC project.

Follow-up items:

- 1) Gerry Mirabile to follow-up with Jim Beyer to confirm he has the impact tables he is looking for.

- 2) Provide additional discussion regarding cumulative impacts.

EPA COMMENT 5: CMP needs to clarify and describe all reasonably foreseeable future development within the project area to inform the required assessment of cumulative impacts. This should include but not be limited to possible future energy transmission projects (such as the wind power transmission project that was specifically mentioned at the meeting). Any other reasonably foreseeable future development within the project area, including potential future expansion of the proposed project, should also be clearly described.

- 3) Evaluate the real estate constraints in the area of the Merrill Road converter station and consider whether relocating the permanent access road is a practicable way to reduce wetland impacts.

EPA COMMENT 6: This evaluation should include but not be limited to the Merrill Road converter station. Rather, CMP should look project-wide for opportunities to avoid or minimize impacts, especially at locations like the Merrill Road converter station, where impacts are relatively large and access or layout alternatives appear to exist.

- 4) Provide substation drawings to EPA.
- 5) Document MDOT's response to co-locating in the roadways and describe different construction techniques for co-locating within roadways that are or are not available and how these would impact project cost.
- 6) Provide additional detail on why 75 feet of clearing is needed for an underground line.
- 7) Provide to EPA CMP's response to MDEP's May 9, 2019 Additional Information Request. This included an evaluation of 5 locations for the allowance of additional tree height.
- 8) Provide additional discussion related to Spencer Road and Capital Road co-location constraints.
- 9) Provide the EPA with a copy of the Musson Report.
- 10) Provide GHG reduction analyses to DOE.